

REMARKS

Claims 1 – 27 are presently pending in the application. A first Office Action was mailed on February 23, 2005. Applicants cancel claims 19 – 25 without prejudice or disclaimer, and amend claims 1 – 5, 8, 17, 26 and 27. No new matter is added. Support for the amendments may be found, for example, in Applicants' specification at page 17, line 31 through page 20, line 37 and at page 21, line 14 through page 22, line 18.

OBJECTED CLAIMS

Claims 17 and 20, 21 are objected to in regard to informalities. Applicants cancel claims 20 and 21 without prejudice or disclaimer, and amend claim 17 to replace the term "therebetween" with the phrase "between the first communication device and the second communication devices". Accordingly, Applicants respectfully request that the objections to the claims be withdrawn.

REJECTION UNDER 35 U.S.C. §§ 112

Claims 3 – 8 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, with reference to claim 3, the Examiner finds that it is unclear which routers are referenced by the term "their respective routers". Applicants amend claims 2 – 5 and 8 to clarify that a plurality of routers are present along a transmission path between the first communication device and the second communication devices, and that the intermediary server identifies a band reservation setting server for each of the plurality of routers on this path. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

REJECTION UNDER 35 U.S.C. §§ 102, 103

Claims 1 – 5 and 9 - 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,721,272 to Parnafes et al. Claims 19 – 22 and 26, 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,336,129 to Ise et al. Claims 6 - 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Parnafes in view of Ise. Claims 23 - 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ise in view of U.S. Patent No. 6,577,628 to Hejza. Applicants cancel claims 19 – 25 without prejudice of disclaimer, amend claims 1, 26 and 27 to further clarify the nature of their invention, and respectfully traverse these rejections.

In amended independent claim 1, Applicants disclose

1. A method of reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers on the Internet between first and second communication devices, the method comprising the steps of:

(a) the first communication device requesting an intermediary server to reserve the transmission band by transmitting a user policy; and

(b) the intermediary server reserving the transmission band for the first and second communication devices,

wherein the reserving step further includes the steps of:

receiving the user policy;

searching for IP addresses of policy servers of the plurality of Internet service providers;

transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers;

receiving a band reservation result from each corresponding policy server;

determining whether the requested band reservation is confirmed by the band reservation results; and

transmitting the band reservation results to the first communication device.

Parnefas discloses a method and apparatus for generating RSVP messages for facilitating resource reservations for network devices that are not RSVP enabled (see, e.g., abstract of Parnefas). With reference to FIG. 1 of Parnefas, the Examiner suggests that RSVP proxy 104 meets the limitations of Applicants' claimed intermediary server.

Applicants amend independent claim 1 to further clarify the steps performed by the claimed intermediary server for reserving the transmission band for the first and second communication devices. As described for example in Applicants' specification at page 21, line 14 through page 22, line 18, the intermediary server includes a control function that operates by a) searching for IP addresses of policy servers of the plurality of Internet service providers (ISPs), b) transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers, c) receiving a band reservation result from each corresponding policy server, d) determining whether the requested band reservation is confirmed by the band reservation results, and e) transmitting the band reservation results to the first communication device.

Applicants respectfully submit that the RSVP proxy 104 as described by Parnefas fails to perform each of the above-delineated steps as claimed by Applicants (for example, Applicants submit that RSVP proxy 104 does not perform the steps of transmitting a reservation request to each of a plurality of policy servers, receiving results from each server to determine whether the reservation is confirmed, and determining whether the requested band reservation is confirmed by the band reservation results). On at least this basis, Applicants submit that claim 1 is accordingly not anticipated by Parnefas, and therefore allowable. As each of claims 2 – 18 depend from allowable claim 1, Applicants submit that claims 2 – 18 are also allowable for at least this reason.

In amended independent claim 26, Applicants' disclose:

26. A device for reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers (ISPs) on the Internet between first and second communication devices,

wherein the transmission band is reserved at a request of the first communication device to reserve the transmission band, and

wherein the device is operable to perform the steps of:

storing IP addresses of servers of the ISPs,

storing a request of the first communication device to reserve the transmission band,

communicating over the Internet with the servers to request reservation of the transmission band; and

storing results of reservations of the transmission band, the results being returned from the servers in response to the reservation requested by the device.

Ise discloses a label switch router (LSR) that sets up virtual channels for the transmission of packets (see, e.g., column 1, lines 36 – 54 of Ise). With further reference to Ise's FIG. 2, for example, the Examiner suggests that, like Applicants' claimed invention, output VC search unit 12 of Ise's FIG. 6 stores the results of bandwidth reservations in the form of input/output VD information. However, in sharp contrast to Applicants' claimed device (see, e.g., page 17, line 31 through page 20, line 37 of Applicants' specification), Ise does not teach an LSR that stores results returned in response to a reservation request, but rather teaches an LSR that simply stores input/output VC correspondence for paths through the LSR (see, e.g., column 7, line 42 – column 8, line 46 of Ise). Applicants respectfully submit, on at least this basis, that amended independent claim 26 is not anticipated by Ise, and is accordingly allowable.


Applicants substantially repeat these arguments with respect to amended independent claim 27, which has been similarly amended. Applicants respectfully submit, on at least this basis, that amended independent claim 27 is not anticipated by Ise, and is accordingly allowable.

CONCLUSION

In view of the amendments and set forth above, Applicants respectfully submit that the application is in condition for allowance, which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

TELEPHONE: (212) 940-8800

FAX: (212) 940-8986/8987

Attorney Docket No.: 100794-00057 (FUJI 19.116)

TJB: fd